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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,982	09/05/2003	Toshihiro Morita	26B-022	5633

23400 7590 06/28/2005

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

ENGLISH, PETER C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/654,982	Applicant(s) MORITA, TOSHIHIRO	
	Examiner Peter C. English	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030905; 20041109</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

40, mentioned at page 13, line 24.

O, mentioned at page 25, line 23.

63a, mentioned at page 26, line 17.

2. The drawings are objected to because:

In Fig. 1, the section line labeled I-I should be labeled III-III since section line labels are to correspond with the respective view numbers.

In Fig. 5, the lead line for reference number 23a is directed to the upper wall 24a, instead of to the front opening of the casing. See Fig. 3.

In Fig. 7, “37b” should be “50a”. See Fig. 3.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The specification is objected to because:

The specification refers to element 47 of the cover 46 as a "general" portion. It is unclear what is meant by this term. The examiner suggests that "general" be changed to "peripheral" at the following locations: page 3, lines 4 and 15; page 4, line 5; page 5, lines 3 and 24; page 6, lines 17 and 25; page 7, lines 6, 13 and 18; page 8, line 20; page 18, line 24; page 24, line 6; page 34, line 23; and the abstract, line 5.

At page 5, line 6, "seventh" should be deleted.

At page 9, line 10, "I-I" should be "III-III" since section line labels are to correspond with the respective view numbers.

At page 9, lines 15-16 and 24-25, "and along line II-II of FIG. 1" should be deleted.

At page 10, lines 5-6, "and along line I-I of FIG. 1" should be deleted.

At page 14, line 24 to page 15, line 1, "Further, a left side wall...which will be described later" is confusing and does not fit with the remainder of the sentence (see page 15, lines 1-5). It appears that the above-recited material belongs in some way with the sentence spanning lines 22-24 of page 14.

At page 15, line 15, "upper" should be "lower".

At page 16, line 14, "37" should be "37a".

At page 16, line 15, "holes" should be "hole".

At page 19, line 25, "25b" should be "24b".

At page 24, line 12, "83" should be "82".

At page 25, line 19, "surface 'IN' of an end portion" is grammatically incorrect and confusing.

At page 26, line 17, element 63a (which is not labeled in the drawings) is described as a "general" portion. It is unclear what is meant by this term.

At page 28, line 7, "24" should be "34".

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At page 28, line 9, "24a" should be "34a".

At page 30, line 11, "a set of" should be deleted.

At page 30, line 12, "34" should be "37".

On page 34, lines 2-4 are inaccurate because as shown in Fig. 6 the periphery of the locking hole is sandwiched between the lock receiving portion 90 and the head of the locking member 95 (not the locking pawl 97).

On page 34, lines 7-12 are inaccurate because the head of the locking member 95 is larger than the hole 31 (see lines 17-21). The examiner suggests: at lines 8 and 11, change "member 95" to "shaft portion 96".

On page 38, lines 2-4 are inaccurate because the embodiment shown in Fig. 7 includes the knee panel. The alternative configuration described at lines 2-4 is not illustrated in the drawings.

At page 38, line 21, the first occurrence of "19b" should be "46".

Appropriate correction is required.

Claim Objections

6. Claims 2, 3 and 5 are objected to because:

In claim 2, at line 12, "of a" should be deleted.

In claim 3, at line 2, "said locking member of said air bag cover has" should be deleted.

In claim 3, at line 3, "that" should be deleted.

In claim 5, at line 4, "being" should be inserted before "mounted".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 14 and in claim 7, at line 11, "general portion" renders the claim indefinite because it is unclear what is meant by this term. The examiner suggests that "general"

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be changed to “peripheral” at the following locations: claim 1, line 14; claim 2, line 3; claim 4, line 3; and claim 7, line 11.

In claims 2 and 4, at line 2, “said airbag has...” renders the claim indefinite because it fails to accurately set forth the invention. The examiner suggests: in claims 2 and 4, at line 2, insert “cover” after “airbag”.

In claim 5, “said lock receiving portion” (line 7) and “said locking member” (line 8) lack proper antecedent basis. The examiner suggests: at line 7, change “portion” to “part”; and at line 8, change the second occurrence of “said” to “a”.

In claim 7, at line 20, “the *nearly* left-right direction” (emphasis added) lacks proper antecedent basis. Further, the scope of this term is unclear. The examiner suggests: at line 20, delete “nearly”.

Allowable Subject Matter

8. Claims 1-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. The following is a statement of reasons for the indication of allowable subject matter: Independent claims 1 and 7 are allowable because of the limitations found in the last paragraph of each of these claims.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hayashi and Takimoto et al. teach covers for knee air bags that are mounted for movement relative to the associated casing. Bauer, Ikeya et al., Bauer et al., McDonnell et al. and JP 2002012122 teach air bag covers mounted for movement relative to the associated casing.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 571-272-6671. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter C. English 6/22/05
Primary Examiner
Art Unit 3616

pe
22 June 2005